

Applicant: Peter M. Bonutti  
Application No.: 10/614,352  
Examiner: G. Jackson

### REMARKS

Claims 1-3, 8-25 are presented for the Examiner's review and consideration. In this Response, Applicant has amended claim 1, canceled claim 4-7, and added new claims 22-25. Applicant believes that the claim amendments and the accompanying remarks serve to clarify the present invention and are independent of patentability. Accordingly, Applicant respectfully submits that they do not limit the range of any permissible equivalents.

#### In the Drawings

The Examiner objected to the drawing under 37 CFR 1.83(a) stating the drawings must show every feature of the invention specified in the claims. In order to expedite prosecution and without conceding the validity of this objection, Applicant has canceled claims 4-7. In light of the foregoing, Applicant requests reconsideration and withdrawal of the objection to the drawings.

#### 35 U.S.C. § 102(b) Bartlett

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,540,718 to Bartlett. For the reasons set forth below, Applicant respectfully submits that the rejected claims are not taught or suggested by Bartlett.

Bartlett discloses that anchors could have potential cross-sectional bores including oblong, elliptical, tear-drop, a figure eight (thereby providing separate bores for the suture and the insertion tool.) (Col. 5, Lns. 34-37). Suture 64 may be threaded through bore 34 of the suture anchor in any preferred manner such as those illustrated in FIGS. 6-8. (Col. 6, Lns. 35-37).

As such, Bartlett does not contemplate the use of two separate bores both for the passage of suture. Instead the addition of a second hole is only to be used by the insertion instrument.

In contrast, when the present invention is to be used with a suture, the anchor is provided with a pair of passages 30 and 32. (¶[0031]). The passages 30 and 32 have a cylindrical configuration and extend diametrically through the cylindrical body portion 22. Central axes of

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the passages 30 and 32 extend parallel to each other and intersect the central axis 28 of the anchor 20. Furthermore, the passage 32 is formed partially in the body section 22 and partially in the pointed end portion 34. (¶[0033]).

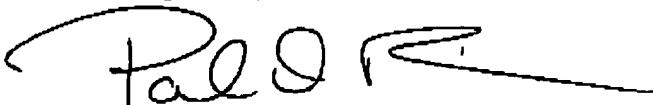
In light of the foregoing, independent claim 1 is respectfully submitted to be patentable over Bartlett. As claims 2 and 3 depend from claim 1, and necessarily include all the elements of the base claim, Applicant respectfully submits that these dependent claims are also patentable at least for the same reasons.

#### Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No Fee is believed due. However, please charge the required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 503410 (Docket No. 782-A03-003-1).

Respectfully submitted,



Paul D. Bianco, Reg. # 43,500

Customer Number: 33771  
Paul D. Bianco  
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO  
21355 East Dixie Highway  
Miami, Florida 33180  
Tel: 305-830-2600; Fax: 305-830-2605  
e-mail: [pbianco@focusonip.com](mailto:pbianco@focusonip.com)